

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

NO. 04 10044 MLW

EDWIN M. SERRANO

**JOINT STATUS REPORT REGARDING DEFENDANT'S MOTION
TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. §3582**

In accordance with the Standing Procedural Order entered by the United States District court for the District of Massachusetts on March 14, 2008, the parties, after conferring with each other and the Probation Department, provide the following status report regarding the defendant's motion to modify sentence pursuant to 18 U.S.C. §3582.

A. Defendant's eligibility for reduction of sentence in accordance with

18 U.S.C. §3582

The United States Probation Office has taken the position that the defendant is ineligible for a sentence reduction because he was sentenced as a career offender, pursuant to U.S.S.G. §4A1.1(a), and his sentence was therefore based on his criminal history rather than the drug weight.

Defendant is aware that Judge Saris in United States v. Dwayne Wilkey has ruled that a career offender is not entitled to a sentence reduction.

The government also believes him to be ineligible for a reduction in sentence.

B. Revised guideline calculation

Two hundred ten (210) to two hundred sixty-two (262) months according to the defendant. The government believes him to be ineligible for a reduction based upon his career offender status. He was sentenced to two hundred sixty-two (262) months based upon a guideline range of two hundred sixty-two (262)-three twenty-seven (327) months.

C. Recommendation for sentencing.

See "B"

- D. Whether a hearing is necessary and whether the defendant seeks to appear in person or via videoconference.

A hearing is necessary. Defendant seeks to appear by videoconference.

- E. The earliest projected release date based on the low end of the revised guideline calculation.

Unknown

- F. A briefing schedule for any contested issues, taking into account the earliest projected release date.

Unknown

- G. Whether a transcript is needed.

The parties would like a copy of the sentencing transcript.

- H. A copy of any plea agreement.

N/A

Respectfully submitted
MICHAEL J. SULLIVAN
United States Attorney

By: /s/Peter K. Levitt
Peter K. Levitt
Assistant U.S. Attorney
One Courthouse Way
Boston, MA
617 748 3355

COUNSEL FOR EDWIN SERANO

By: /s/Roger Witkin
ROGER WITKIN
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024

BBO No. 531780

DATED: May 2, 2008

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

NO. 04-10044 MLW

EDWIN SERRANO

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon AUSA Peter Levitt, United States Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210 by electronic filing which was e-filed this day.

/s/ Roger Witkin

Roger Witkin

6 Beacon Street, Suite 1010

Boston, MA 02108

Tel. 617 523 0027

Fax 617 523 2024

BBO No. 531780

DATE: May 2, 2008

